

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

Case No.: 14-74101-ast

Chapter 7

Christina M Dobres

Debtor.

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Christina M Dobres

Plaintiff,

v.

Adv. Pro. No.: 14-08309-ast

US Department of Education, New York
State Higher Education Services Corporation

Defendants.

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STIPULATION AND ORDER

WHEREAS The Debtor filed for Chapter 7 relief on September 6, 2014 in order to have her unsecured debt discharged with the hope of discharging or reducing her student loan payments; and

WHEREAS, The Debtor encountered additional hardships, primarily the loss of employment and instability with part-time /temporary employment due to illness, creating a hardship for the debtor to repay her student loans.

WHEREAS, the debtor does not dispute that she requested and received the loans from New York State Higher Education Services Corporation represented by Education Credit Management Corporation (ECMC) approximately \$6751 and loans from the US Department of Education approximately \$24,625; and

WHEREAS the debtor commenced the Adversary Proceeding on November 11, 2014 seeking to discharge the concerned Student Loans; and

WHEREAS, ECMC and the US Department of Education interposed and Answer in response thereto; and

WHEREAS, the Court having issued a scheduling order on June 18, 2015 in response thereto; and

WHEREAS, the parties have agreed to resolve the Adversary Proceeding and to terms of settlement;

NOW THEREFORE;

IT IS HEREBY STIPULATED by and between ECMC, the US Department of Education and the Debtor, by and through the undersigned attorneys that:

1. The principal amount due and owing ECMC as of September 3, 2015 is \$6751 (“Outstanding principal balance”).
2. The principal amount due and owing the US Department of Education is \$24,625 (“outstanding principal balance”).
3. The outstanding principal balance of the US Department of Education and ECMC will be consolidated and the new principal balance of \$31,376 shall be paid over the remaining term of the loan in the monthly sum of \$50.00 and in consideration of such payments the US Department of Education will remove the loan from default status and ECMC will waive any collection or default fees.
4. That the first installment as outlined in paragraph three (3) herein shall be paid within 30 days of the entry of the within stipulation and order and on the same day each month thereafter.
5. The Debtor’s complaint shall be deemed resolved upon entry of the within Stipulation and Order.

6. The parties hereto submit to the jurisdiction of the Bankruptcy Court with respect to all matters relating or pertaining to this Stipulation and its enforcement; and

7. This Stipulation may be signed in counterparts and the counterparts taken together shall be deemed a fully executed and binding stipulation and a facsimile copy shall be deemed to have the same force and effect as an original.

Dated 9/3/2015

/s/ Michelle Labayen

Law Office of Michelle Labayen PC
By: MICHELLE LABAYEN, Esq.
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Newark, NJ 07102

9/3/2015

/s/Vincent Lipari

US Attorney's Office EDNY
By: VINCENT LIPARI, Esq.
Attorney for US Dept of Education
610 Federal Plaza
Central Islip, NY 11722

9/3/2015

/s/ Kenneth L Baum


Cole Schotz PC
By: KENNETH L BAUM, Esq.
Attorney for Education Credit Management Corp
25 Main Street
Hackensack, NJ 07601

And it is further ORDERED, that upon this Stipulation and Order becoming a final Order of the Court, the adversary proceeding resolved hereby shall be administratively closed; provided, however, that any party to the adversary proceeding may seek to reopen the adversary proceeding by filing an application on presentment in accordance with E.D.N.Y. L.B.R. 2002-1 and upon a showing of cause to reopen.

SO ORDERED:

**Dated: February 16, 2016
Central Islip, New York**




**Alan S. Trust
United States Bankruptcy Judge**